

REMARKS

Claims 1-16 are all the claims pending in the application.

Claims 9-16 are withdrawn from consideration.

Claims 1-8 are rejected.

Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. (U.S. Publication No. 2002/0094533) in view of Ogawa (U.S. Patent No. 6,492,119).

Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. (U.S. Publication No. 2002/0094533) in view of Ogawa (U.S. Patent No. 6,492,119), as applied to claim 1, further in view of Ogura (U.S. Publication No. 2002/0061534).

The Applicants traverse the rejections and request reconsideration.

Detailed Comments

Claim Rejections Under 35 U.S.C. § 112

Rejection of Claims 2, 4, 6 and 8 based on § 112, second paragraph

The Examiner continues to maintain the section 112 rejection of claims 2, 4, 6 and 8. The Applicants respectfully submit that a skilled artisan would know the structure from a description of how the structure of the present invention is formed. Specifically, the Applicants respectfully point to Figs. 3A and 3B where the porous film 21 with a layer with small pore

diameter and another layer with large pore diameter are positioned under the base plate 2 having holes 3 and then compressed with the rollers 22 and 23. A skilled artisan would know that when such a press fitting occurs, portions of the porous film 21 that are located under the base plate get compressed. On the other hand, the portions under the holes do not get compressed. However, the two layers in the absorptive regions remain connected with the layers in the adjoining absorptive regions through the portions located under the base plate.

A skilled artisan reading the claims in light of the Specification, especially Figs. 1-3B, will understand the claimed structure of the present invention.

Claim Rejections Under 35 U.S.C. § 103

Rejection of Claims 1, 3, 5 and 7 based on Hess et al. in view of Ogawa and rejection of Claims 2, 4, 6 and 8 based on Hess, Ogawa and Ogura

The Applicants respectfully amend claim 1 to include the limitations of claim 2. Therefore, the above rejection of claims 1, 3, 5 and 7 over Hess and Ogawa is moot.

The rejections based on the combined teachings of Hess, Ogawa and Ogura is addressed herein. Importantly, the combined teachings of Hess, Ogawa and Ogura do not suggest that the first and the second layer of one of said adsorptive regions is connected with a first and a second layer corresponding to an adjacent one of said adsorptive regions at one of surfaces of the base plate. In fact in none of the three cited references, Hess, Ogawa and Ogura, there is such a connection. In all of these three references, the adsorptive material is confined to the holes.

Further, claim 1 (as amended) requires a signal absorbing layer for absorbing a signal positioned below the base plate. Still further, the first layer, the second layer and the signal absorbing layer are required to be present below the base plate outside of the adsorptive regions. Moreover, the signal absorbing layer is required to be present below the first and the second layer in the adsorptive regions. These limitations are described in detail in the above section related to the section 112 rejections.

The combined teachings of Hess, Ogawa and Ogura do not suggest the above noted features. The Patent Office refers to [110] of Ogura. However in that passage it is merely noted that light absorbing materials can be added to the substrate 11 of Ogura. However, there is no suggestion for a signal absorbing layer that is below the first and the second layer in the adsorptive region. Importantly there is no suggestion for a first layer, a second layer and a signal absorbing later to be present below the base plate outside the adsorptive region.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicants' disclosure. MPEP 2142 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Patent Office has not satisfied the burden of establishing *prima facie* obviousness at least because it has not satisfied the “all limitations” prong of the three prong test for obviousness. Specifically, the Patent Office has not shown that the combined teachings of Hess, Ogawa and Ogura suggests the present invention as a whole including the above noted features related to the signal absorbing layer.

Since the “all limitations” prong is not satisfied, the other two prongs of the three prong test for obviousness must fail. Specifically, there is no motivation to combine the teachings of Hess, Ogawa and Ogura to make the present invention with a reasonable expectation of success.

Claims 3-8 are dependent on claim 1 and are allowable at least for the same reasons.

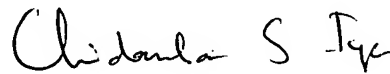
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Patent Application No.: 10/800,676

Attorney Docket No.: Q80045

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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